

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICK WOODS, ET AL.,
Plaintiffs,
v.
GOOGLE LLC,
Defendant.

Case No.11-cv-01263-EJD (VKD)

**ORDER RE OCTOBER 30, 2018 JOINT
DISCOVERY LETTER BRIEFS**

Re: Dkt. Nos. 406, 407

On October 30, 2018, the parties submitted two joint discovery letter briefs. Dkt. Nos. 406, 407. On November 2, 2018, the Court held a hearing on the disputes described in the letters. Dkt. No. 412.

For the reasons stated on the record during the hearing, the Court makes the following rulings on these disputes:

1. Google's Motion to Compel Document (Dkt. No. 406)

Mr. Cabrera represents that he has produced all documents reflecting any advice regarding Internet advertising on the Google AdWords advertising platform. Google's demand for all documents relating to all advice Mr. Cabrera has given to his own advertising and consulting clients—regardless of whether that advice relates to the AdWords advertising platform at issue in this case—seeks discovery that is neither relevant to any claim or defense in this case, nor proportional to the needs of this case. Google's motion to compel further production for documents relating to Mr. Cabrera's advice to his clients is denied.

Mr. Cabrera also represents that he no longer has within his possession, custody, or control lists of his in-person training customers from a business he sold in 2009. Google has not pointed to any plausible evidence suggesting that this is not the case. Google's motion to compel

1 production of a customer list is denied.

2 **2. Mr. Cabrera's Motion to Compel Click Data (Dkt. No. 407)**

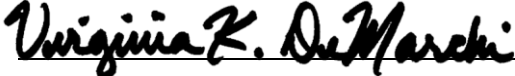
3 At a recess during the hearing, and at the Court's direction, counsel for the parties
4 conferred regarding Google's production of "click data" for Mr. Cabrera. When the hearing
5 resumed, counsel for Mr. Cabrera read into the record certain matters that reflected the parties'
6 tentative resolution of this dispute.

7 Counsel for Google must confer with Google to confirm that Google's production of click
8 data is complete, consistent with Mr. Cabrera's counsel's recitation on the record during the
9 hearing.¹ Google must file a declaration of counsel no later than **5:00 p.m. on Monday,**
10 **November 5, 2018** confirming that the production is, in fact, complete. If the production is not
11 complete, Google must immediately notify Mr. Cabrera. If the matter is not thereafter
12 immediately resolved, the parties shall so advise the Court, and the Court will issue a decision on
13 the motion to compel.

14 The Court takes this matter under submission, pending further proceedings outlined above.

15 **IT IS SO ORDERED.**

16 Dated: November 2, 2018

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19 VIRGINIA K. DEMARCHI
20 United States Magistrate Judge
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¹ An audio file with a recording of the hearing is available on ECF at Dkt. No. 413.